

ADDITIONAL COSPONSORS

S. 453

At the request of Mr. BAYH, his name was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 3364

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3364, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 3517

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3517, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services.

S. 3683

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3683, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 3697

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3697, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 3708

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3708, a bill to amend the Public Health Service Act with respect to health professions education, and for other purposes.

S. 3728

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3728, a bill to direct the Secretary of Transportation to waive non-Federal share requirements for certain transportation programs and activities through September 30, 2009.

S. RES. 710

At the request of Mr. REED, his name was added as a cosponsor of S. Res. 710, a resolution designating the week of February 2 through February 6, 2009, as "National Teen Dating Violence Awareness and Prevention Week".

S. RES. 728

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 728, a resolution designating January 2009 as "National Mentoring Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CASEY:

S. 3732. A bill to assist in creating substantive culture change in long-term residential care by establishing a small house nursing home loan program to provide for the establishment, renovation, and construction of small house nursing homes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASEY. Mr. President, I rise today to introduce the Promoting Small House Nursing Homes Act. This is a bill I expect will play a significant role in the way we care for our older citizens in this country. I also hope and expect this bill to make an important contribution to the framing and substance of the landmark health care reform we anticipate in the coming year. Moreover, because our current economic problems are interwoven with out-of-control health care costs, this bill will contribute to a revitalization of our economy and the creation of new jobs. Finally, it will establish solid criteria for long term residential care that will not only improve the quality of life of older citizens, but save money through cost-effective, comprehensive and coordinated long term and health care.

This bill provides a dramatically different approach to long term residential care for older citizens than is offered by the traditional nursing home model.

The Promoting Small House Nursing Home Act incorporates the principles of person-centered care as a cornerstone of all aspects of long term residential care. What do we mean by person-centered care? The philosophy is simple: Our older citizens deserve to live lives of dignity and respect through all stages of life. About 10 years ago, the Philadelphia Inquirer reported, "Life can have quality and meaning even until the very last breath." Our older citizens have a profound right to be decision-makers in their own care—to be at the center of their own care, with a partnership of family and providers. Our older citizens are critically important to the overall health and well-being of our society. I quote a well known expert in person-centered care, Dr. Bill Thomas, who says, "People of all ages will live better lives when we succeed in bringing

elders back to the heart of our society."

My bill translates this profound philosophy into a specific policy prescription by doing the following: creating a low-interest loan fund for building new or renovating existing long term care facilities that follow articulated small house nursing home model guidelines; establishing clear and specific program requirements and guidelines that build upon existing programs that have successfully implemented substantial culture change and person-centered care; creating a home-like and non-institutional model of care for long term care residential facilities that is based upon the principles of: collaborative decision-making; respect; and significantly improved quality of life for residents and staff alike.

We currently have an estimated 38 million Americans over the age of 65, and that number is expected to double within the next 20 years. In the midst of this, health care costs are rising exponentially, the quality of outcomes is not consistent, and older citizens are often abandoned to navigate a confusing and complex health care system. Older citizens also report extremely low levels of satisfaction with life in nursing homes. This \$122 billion industry includes 16,000 nursing homes and significant concerns persist about maltreatment and neglect of our older citizens in 20 percent of these homes. As I know from my work in State government, most nursing homes provide quality care but that 20 percent is what we hear most about. However, a recent survey by the AARP found that fewer than 1 percent of individuals over 50 with a disability want to move to a nursing home. There has to be a better way, and in fact there is.

Person-centered care provides that better way. It is a straightforward concept and yet it has taken years of hard work to get concrete initiatives underway. We have a long way to go and much to learn. But in order to succeed, we must pass legislation like the bill I have introduced today.

Traditional nursing facilities require residents' lives to revolve around institutional schedules for waking, bathing and dressing. Traditional facilities far too often identify residents by their health conditions, vulnerabilities and room numbers rather than their unique strengths and gifts. Staff members are attracted to the field of direct care service because they want to help older citizens but they are just as ill-served by this institutionalized culture as are the residents. Workers are minimally trained, over-worked and carry patient loads that make it impossible to engage in any personal time with residents—in fact, such relationships are often discouraged. They have little or no say in decision-making, relegated—like the residents—to the fringes of a system that places the needs of the institution over those of the human beings in it.

In July of this year, I chaired a hearing for the Aging Committee that examined this small house nursing home model. One of our witnesses was a nursing assistant who previously worked for a traditional nursing home and now works in a small house nursing home in Pennsylvania. She recounted the difference, saying, "Looking back on it, now, I realize that while we offered our residents excellent nursing care, that did not always translate into a high quality of life." She described handling a wider range of duties now, yet having more time to spend with individual residents and really getting to know—and even love—them because the staffing is consistent and the turnover is almost non-existent. Another witness at our July hearing was the daughter of a woman who moved from a traditional nursing home to a small house nursing home. She summed up the dramatic change in her mother with this simple phrase, "Suddenly, life mattered again."

It should be a given that "life matters" to every person. While every citizen has this fundamental right, our older citizens who have worked hard their whole lives truly deserve to enjoy their later years in homes that offer them comfort, respect and autonomy. I strongly believe the Promoting Small House Nursing Homes Act will make this possible and I urge my Senate colleagues to join me in supporting this effort in its own right as well as the significant role it can play in the larger issues of comprehensive health care reform and revitalizing our economy. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Small House Nursing Homes Act".

SEC. 2. SMALL HOUSE NURSING HOME LOAN PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a small house nursing home loan program (in this section referred to as the "program") under which the Secretary makes grants to eligible lenders in order for such eligible lenders to make direct loans to eligible borrowers for the establishment, renovation, and construction of small house nursing homes that meet the requirements of this section.

(b) ELIGIBILITY.—

(1) **PROGRAM GRANT ELIGIBILITY.**—To be eligible to obtain a grant under the program, an eligible lender shall—

(A) be a nonprofit, non-Federal lender;

(B) have a track record of lending to small house nursing homes, low income populations, or nursing homes that serve low income populations; and

(C) submit to the Secretary an application in such form as the Secretary may reasonably require.

(2) SMALL HOUSE ADVISORY PANEL.—

(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the

Secretary shall establish an advisory panel (in this section referred to as the "Small House Advisory Panel") to—

(i) evaluate applications for direct loans under the program in conjunction with eligible lenders; and

(ii) carry out other responsibilities determined appropriate by the Secretary.

(B) **MEMBERSHIP.**—The Small House Advisory Panel shall consist of not less than 5 and not more than 7 individuals who have expertise in the areas of person-centered long term care culture change, long term care financing, consumers, and direct care workers.

(3) EVALUATION OF ELIGIBLE BORROWER APPLICANTS.—

(A) **ESTABLISHMENT OF EVALUATION TOOL AND CRITERIA.**—

(i) **IN GENERAL.**—The Secretary, in collaboration with the Small House Advisory Panel, shall establish an evaluation tool and evaluation criteria with which to prioritize eligible borrowers who submit to an eligible lender an application for a direct loan under the program.

(ii) **EVALUATION TOOL.**—The evaluation tool established under subparagraph (A) shall be based upon the model guideline priorities under subsection (c)(5).

(iii) **PRIORITIZATION OF ELIGIBLE BORROWERS.**—Eligible borrowers shall be prioritized under the program in accordance with the extent to which they meet such model guideline priorities.

(B) EVALUATION OF APPLICATIONS AND RECOMMENDATIONS.—

(i) **IN GENERAL.**—Applications for a direct loan under the program shall be evaluated by the Secretary, in collaboration with the Small House Advisory Panel.

(ii) **RECOMMENDATIONS.**—The Secretary shall establish procedural guidelines under which any recommendations of the Secretary for making direct loans shall be provided to eligible lenders.

(4) **LOAN ELIGIBILITY.**—To be eligible for a direct loan from an eligible lender under the program, an eligible borrower shall be a private or public nonprofit entity or a for-profit entity that—

(A) agrees to use the proceeds from such direct loan to construct or renovate a small house nursing home that—

(i) is designed to establish substantive culture change; and

(ii) meets the model small house nursing home requirements and guidelines under subsection (c);

(B) submits a detailed plan describing—

(i) the particular model or approach to person-centered care that the small house nursing home will implement; and

(ii) how the small house nursing home will meet such model small house nursing home requirements and guidelines;

(C) has been approved by a State or local entity (in accordance with applicable State and local law) to operate a skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)) or a nursing facility (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a)));

(D) with respect to the facility, ensures that at least 30 percent of the residents of the facility are Medicaid-funded individuals under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as determined in accordance with guidelines to be issued by the Secretary that take into consideration the number of days such residents spend in the facility, and does not discharge residents based on their ability to pay;

(E) complies with lending standards developed, in consultation with the Secretary, by a task force of experts in long-term care financing, affordable housing with services development, and nontraditional lending; and

(F) agrees to share financial and operating data with researchers and Federal agencies designated by the Secretary.

(5) **LOAN DISQUALIFICATION.**—In no case may an entity which has displayed a pattern of failing to comply with State and Federal quality of care standards (as determined by the Secretary) or an entity with a pattern of violating State and Federal labor laws (as determined by the Secretary) be an eligible borrower under the program.

(c) MODEL SMALL HOUSE NURSING HOME REQUIREMENTS AND GUIDELINES.—

(1) IN GENERAL.—

(A) **DEVELOPMENT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall develop model small house nursing home guidelines that meet the requirements of this subsection.

(B) **CONSISTENCY WITH REQUIREMENTS APPLICABLE UNDER THE SOCIAL SECURITY ACT.**—The guidelines established under subparagraph (A) shall be consistent with, and in addition to, any requirements applicable to an eligible borrower under sections 1819 and 1919 of the Social Security Act (42 U.S.C. 1395i-3; 1396r).

(2) PRACTICE RESEARCH AND IMPLEMENTATION.—

(A) **IN GENERAL.**—Under the guidelines under paragraph (1), a small house nursing home that obtains proceeds from a direct loan made under this section shall be based on methods and practices that have been tested through pilot programs and other research carried out at not less than 1 implementation site in the United States for at least a 2-year period.

(B) **IMPROVEMENTS IN QUALITY OF LIFE.**—Pilot programs and research referred to in subparagraph (A) shall be designed to establish a clearly articulated, evidence-based approach to creating improvements in the quality of life and care outcomes of residents of small house nursing homes as well as providing for improvements in the professional satisfaction and career development of the staff of small house nursing homes.

(C) **RESEARCH REQUIREMENT.**—Research referred to in subparagraph (A) shall be conducted by a researcher—

(i) who has expertise in long-term care; and

(ii) who has no financial or professional interests in the success of the methods or practices involved.

(3) **REQUIREMENTS OF SMALL HOUSE NURSING HOMES.**—Under the guidelines developed under paragraph (1), a small house nursing home that obtains proceeds from a direct loan made under this section shall—

(A) establish a self-directed model of care for residents that incorporates collaborative decisionmaking by residents and nursing assistants;

(B) provide for a universal worker approach to resident care (including care available from a nursing assistant, personal care, socialization services, meal preparation services, and laundry housekeeping services) that is organized to support and empower all staff to respond to the needs and desires of residents;

(C) provide for consistent staff assignments;

(D) consist of a physical environment designed as a home, rather than an institution—

(i) that contains residential style design elements and materials throughout the home that are similar to the residential style design elements and materials in the immediate surrounding community, including residential style design elements in areas that have mixed-zoning purposes, and do not use commercial and institutional elements and products (such as a nurses' station, medication carts, hospital or office type fluorescent

lighting, acoustical tile ceilings, institutional style railings and corner guards, and room numbering and labeling) unless mandated by authorities with appropriate jurisdiction over the small house nursing home;

(ii) which is designed to be a fully independent and disabled accessible house, apartment, or independent wing of an existing structure with not more than 25 residents in the house, apartment, or independent wing;

(iii) that contains a full private bathroom for each bedroom that, at a minimum, provides a toilet, sink, and accessible shower;

(iv) which has a life-safety rating that is sufficient to appropriately accommodate individuals who cannot self-evacuate; and

(v) in which the percentage of residents of the small house nursing home who are short stay rehabilitation residents does not exceed 20 percent at any time unless the small house nursing home is entirely devoted to providing rehabilitation services, except that a long-term resident returning to a small house nursing home after an acute episode and who is receiving rehabilitation services for which payment is made under the Medicare program under title XVIII of the Social Security Act shall not be counted toward such 20 percent limitation;

(E) provide for meals cooked in the small house nursing home and not prepared in a central kitchen and transported to the small house nursing home; and

(F) provide for the training of staff in accordance with paragraph (4).

(4) TRAINING OF STAFF.—

(A) IN GENERAL.—Under the guidelines under paragraph (1), a small house nursing home that obtains proceeds from a direct loan made under this section shall provide training for all staff involved in the operations of the small house nursing home concerning the philosophy, operations, and skills required to implement and maintain self-directed care, self-managed work teams, a noninstitutional approach to life and care in long-term care, appropriate safety and emergency skills, and other elements required for the successful operation of and outcomes in the small house nursing home.

(B) COLLABORATION.—

(i) IN GENERAL.—Training under subparagraph (A) shall be interdisciplinary and collaborative.

(ii) COLLECTIVE BARGAINING.—

(I) IN GENERAL.—In the case where staff involved in the operations of the small house nursing home are represented by a collective bargaining organization, the organization shall be provided an opportunity to fully participate in the development of a program for providing such training.

(II) PRIORITIZATION.—In the case where there is an existing jointly funded employer-labor training partnership, or where a training program is funded through collective bargaining, the small house nursing home shall prioritize the utilization of or collaboration with those existing training programs in meeting the requirements of this paragraph.

(C) AMOUNT.—Training under subparagraph (A) shall be not less than 120 hours for each universal worker employed by the small house nursing home and not less than 60 hours for each leadership and clinical team member employed by such small house nursing home. Such training shall be in addition to any other State training requirements and shall be completed for the majority of the staff prior to the initial start-up of the small house nursing home.

(5) MODEL GUIDELINE PRIORITIES FOR LOAN APPLICANTS.—An eligible borrower applying for a direct loan under this section shall be given priority in evaluation of loan applications in proportion to their compliance with 1 or more of the following model guidelines:

(A) RESIDENTIAL MODEL PRIORITIES.—Priority in evaluation for loan eligibility shall be given to small house nursing home models that—

(i) have private, single occupancy bedrooms that are shared only at the request of a resident to accommodate a spouse, partner, family member, or friend;

(ii) contain a living area where residents and staff may socialize, dine, and prepare food together that, at a minimum, provides a living room seating area, a dining area large enough for a single table serving all residents and not less than 2 staff members, and an open full kitchen;

(iii) contain ample natural light in each habitable space that is provided through exterior windows and other means, with window areas, exclusive of skylights and clearstories, being a minimum of 10 percent of the area of the room; and

(iv) have built-in safety features to allow all areas of the house to be accessible to the residents during the majority of the day and night.

(B) DIRECT CARE WORKER MODEL PRIORITIES.—Priority in evaluation for loan eligibility shall be given to small house nursing home model operators that have a legally binding collective bargaining agreement and a signed labor-management partnership agreement covering the planning and implementation of small house nursing homes. Where employees are represented by a labor organization, a signed labor management implementation agreement will be required.

(d) LOAN PROVISIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, each direct loan made under this section shall be subject to such terms, conditions, and covenants relating to repayment of principal, payment of interest, and other matters as may be established by the eligible lender.

(2) MAXIMUM LOAN AMOUNT.—The Secretary, in consultation with the Small House Advisory Panel, shall determine the maximum amount of any direct loan made under this section.

(3) RATE OF INTEREST.—A direct loan made under this section shall bear interest at an annual rate of not more than 3 percent, or as determined by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for each of fiscal years 2009 through 2013. Amounts appropriated under this subsection shall be available until expended.

(f) TERMINATION.—The program shall terminate, and no loan may be made under this section, on or after the date that is 25 years after the date on which amounts are initially appropriated under subsection (e).

SEC. 3. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report on the small house nursing home loan program established under section 2(a). Such report shall include information on—

(1) the use of direct loans made under the program to establish, renovate, and construct small house nursing homes that meet the requirements of section 2;

(2) the quality of health care, quality of life, emotional well-being, ability to perform functions of daily living, and other outcomes found for residents of small house nursing homes, as compared to such outcomes found for residents of traditional nursing homes; and

(3) staff wages, retention, and absenteeism rates, measures of staff satisfaction, and workload and staffing levels for small house nursing homes, as compared to traditional nursing homes.

By Mr. SPECTER:

S. 3733. A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing that will require the Federal Energy Regulatory Commission to hold at least one public hearing before issuance of a permit affecting public or private land use in a locality.

Increasing demand for electricity throughout the Northeast is putting a strain on energy infrastructure in my state, necessitating new transmission lines and natural gas pipelines and the expansion of existing ones. In Southwestern and Northeast Pennsylvania transmission line expansions are planned over hundreds of miles of private property, while in the Southeast natural gas pipeline expansions are underway.

There is no doubt these projects can be invasive, and rarely do they fail to be controversial. I make a point of touching all of Pennsylvania's 67 counties each year. In traveling Pennsylvania this fall I heard a lot of complaints from constituents who oppose these infrastructure projects, and who felt their concerns were being ignored by the energy companies and by FERC.

I realize there will always be some opposition to large infrastructure projects. What is unacceptable, however, is for the voices of Pennsylvanians to be ignored. It may be the case that these projects are necessary to meet increased energy demand. Nonetheless, the Federal Energy Regulatory Commission must seriously consider and evaluate local concerns in a sensitive manner.

To ensure citizens throughout the commonwealth have a voice in the development of energy infrastructure, my legislation will mandate that FERC hold an open hearing in the affected communities. State Public Utility Commissions, who have a great say in these matters, are beyond Congress' reach. But where the Federal Energy Regulatory Commission is involved we can take steps to ensure that our constituents' concerns receive due consideration. Holding a hearing may not lead to all sides agreeing on the proper route forward, but at the very least my Pennsylvania constituents will come away with the satisfaction of having publicly aired their grievances.

By Ms. LANDRIEU:

S. 3735. A bill to amend the Internal Revenue Code of 1986 to provide for the eligibility of computer technology and equipment development businesses for enterprise zone incentives; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on behalf of a program which I believe has been extremely helpful in helping

rural/urban communities in my state of Louisiana. I would also like to discuss a commonsense improvement to the program which I believe will allow these and other communities nationwide to be at the cutting edge of 21st century innovation and research. In particular, to help spur economic development in distressed communities, the Congress enacted the Empowerment Zone and Enterprise Community, EZ and EC, Program in 1993. In 2000, the Community Renewal Tax Relief Act further expanded this initiative by authorizing 40 Renewal Communities, RCs, and 9 more EZs. Overall, the RC/EZ/EC Initiative provides these designated communities with tax incentives, grants, loans, and technical assistance to encourage investment in communities that have experienced severe economic decline. According to the U.S. Department of Housing and Urban Development, HUD, which oversees the RC and EZ program, RC tax incentives are worth approximately \$5.6 billion to eligible businesses of all sizes in Renewal Communities. EZ tax incentives are worth approximately \$5.3 billion to small and large businesses in Empowerment Zones. In general, the tax incentives encourage businesses to open, expand, and to hire local residents. The administrative leaders of each Renewal Community and Empowerment Zone work closely with the Federal Government, business, and local community representatives to implement strategic plans to improve social/economic conditions throughout the designated areas.

As I mentioned, this program is of particular interest to Louisiana as we have two Urban Renewal Communities, in New Orleans and Ouachita Parish, and also have two Rural Renewal Communities, in central Louisiana and in northern Louisiana. These designations have been extremely helpful in attracting businesses to these areas of my state and in encouraging existing businesses to expand their operations. However, the designations are set to terminate in December 31, 2009. I remain committed to work with my Senate colleagues next year to update and reauthorize such programs as this program. That is because this program helps distressed communities nationwide and is a key engine to spur public-private partnerships in rural/urban areas.

While we often think of technology companies locating in areas such as Silicon Valley, California or the Research Triangle in North Carolina, Congress should not forget the role that rural small businesses and universities play in fostering innovation and development. In Louisiana, we have multiple universities participating in these cutting edge research programs and collaborating with local small businesses. Louisiana Technical University in Ruston, Louisiana, for example has grown into a leader in scientific research at a crucial time for the region. This is because the Barksdale Air

Force base located in Shreveport, which is 70 miles from Ruston, is looking to secure the permanent Cyber Command. This command would protect the United States from cyber warfare. All of the universities, colleges, and parishes in this area, including the University of Louisiana—Monroe, Grambling State University, and Louisiana State University—Shreveport are collaborating on securing this command, which could mean thousands of jobs for the region. So big cities are not the only areas in the country that have growing technology sectors—rural communities also have these industries and would benefit from this commonsense correction to the program. Many of these rural communities are located in RC areas so it is important to support this program.

In the next Congress, as I mentioned, we will work to reauthorize the RC/EZ program. As we do this, I believe that, among other corrections, we must address one glaring problem with these programs. That is the reason why I am filing this legislation today as it makes an important correction to this program. I am pleased that my colleague, Congressman RODNEY ALEXANDER is introducing the companion bill in the House of Representatives. All three programs share the definition for a “qualified business” used for an EZ Business, which is Section 1397C of the Internal Revenue Code. For the EC and RC programs, this was legislated by Congress by the use of a substitution of “Renewal Community” or “Enterprise Community” for “Empowerment Zone” in the relevant section of the Internal Revenue Code, which is Section 1394(b)(2)(A) for the EC program and Section 1400G for the RC program. Under this definition, generally any trade or business can be a qualified business; however, there is an exception for a business that consists primarily to develop or hold intangibles for sale or license. This clear distinction between businesses that trade “tangibles” versus those that trade in “intangibles” seems to be made as the intent was to encourage quality, high-wage manufacturing jobs in these areas. Businesses that trade in “intangibles” include companies that develop such things as patents, formulas, processes, copyrights, literary/musical works. However, businesses which manufacture computer software and computer or peripheral equipment are also included in this group of category of businesses which trade in “intangible” products. I feel that this excludes an industry that provides high-wage, highly skilled jobs in communities which could most benefit from these types of employers. This apparent oversight from Congress seems to discourage software/technology companies from locating in these distressed communities and does not reflect the fact that many of our rural/urban have excellent infrastructure to support them. Lastly, as an original cosponsor of the America COMPETES Act of 2007, I know how es-

sential it is to promote U.S. technology competitiveness and innovation. By allowing software/technology companies to locate or expand operations in RC/EZ/EC communities, this would promote U.S. competitiveness and fully realize the intent of the program—to spur economic development in these distressed areas.

To address this issue, the bill I am introducing today would clarify that companies which manufacture technology/software development are eligible for these RC/EZ incentives in taxable years after enactment of the bill, provided they meet other requirements for the RC/EZ program. In particular, Section 1397C(d)(4) of the Internal Revenue Code of 1986 is amended to specify that businesses that trade in “intangibles” are excluded, with the exception of computer and software development companies. I would highlight that we are not creating a new definition from scratch or making new rules for the Internal Revenue Code, instead the bill uses the definition for computer and software companies that already exists elsewhere in the Internal Revenue Code. This definition, Section 170(e)(6)(F)(i) of the Internal Revenue Code, includes the following industries: computer software (as defined in section 197(e)(3)(B)), computer or peripheral equipment (as defined by section 168(i)(2)(B)), and fiber optic cable related to computer use.

Furthermore, my staff has reviewed the CONGRESSIONAL RECORD and committee testimony since 1985 and could not find a clear Congressional intent to exclude software or technology development companies from the definition of a “qualified business” for this program. On the other hand, Congress specifically prohibited the following businesses: private or commercial golf courses, country clubs, massage parlors, hot tub facilities, suntan facilities, racetracks or other facilities used for gambling, and liquor stores. Despite this specificity in relation to what industries may/may not qualify, the law is silent on software/technology development companies. As I mentioned, this industry is simply caught up in an effort to not include companies that deal strictly in intellectual property, such as copyrights or patents. I believe that this warrants correction as we should not exclude industries that are key drivers of economic development and those which are also essential to U.S. competitiveness.

Let me give you another example of how the current setup of this program is really discouraging further job creation and economic development. As currently structured, the renewal community employment credit provides a 15 percent credit for the first \$10,000 of wages per year paid to each renewal community employee. So a bar in a RC/EZ community would receive a tax credit for hiring another bartender but a software development company would currently not receive any incentive to hire another engineer. Not only

does this discourage technology companies from locating in these areas but it is a disincentive for students graduating from universities or colleges in RC/EZ areas. I do not have a specific problem with including bars or restaurants in this program as the hospitality sector is also important to Louisiana's economy. However, I believe that computer/software companies should be given the opportunity to take advantage of these benefits that are already available to other industries, provided they meet the other requirements for qualified businesses.

In closing, I would like to note that while I understand that this would allow businesses currently not eligible for the program to receive benefits moving forward, it is my sincere belief that this correction would follow congressional intent with the program. This is because, in my view, the bill would further improve the ability of the RC/EZ program to spur economic development in distressed areas. It would accomplish this goal by ensuring that high-wage, high technology industries are eligible to participate in the program. I urge my colleagues to support this commonsense legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF COMPUTER TECHNOLOGY AND EQUIPMENT DEVELOPMENT BUSINESSES FOR ENTERPRISE ZONE INCENTIVES.

(a) IN GENERAL.—Section 1397C(d)(4) of the Internal Revenue Code of 1986 (relating to treatment of business holding intangibles) is amended by inserting “other than the development of any computer technology or equipment (as defined in section 170(e)(6)(F)(i))” after “license”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 107—EXPRESSING THE SENSE OF CONGRESS REGARDING THE RIGHTS OF MEMBERS OF CONGRESS (OR ANY EMPLOYEE OF A MEMBER OF CONGRESS AUTHORIZED BY THAT MEMBER) TO LEAD TOURS OF THE UNITED STATES CAPITOL COMPLEX

Mr. BURR (for himself, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. HARKIN, Mr. THUNE, Mr. NELSON of Florida, Mr. BUNNING, Mr. HATCH, Mr. INHOFE, and Mr. ENZI) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 107

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Members of Congress (or any employee of a Member of Congress authorized by that Member) should not be prohibited, with or without prior notice to the Architect of the Capitol, the Chief Executive Officer for Visitor Services, or the Capitol Guide Service, from taking guests or visitors into the publicly accessible areas of the United States Capitol complex during normal business hours;

(2) nothing in this resolution shall be construed to affect the authority granted to employees of Members of Congress by the respective Members relating to the movement of such employees through the United States Capitol complex;

(3) at the direction of the Capitol Police Board or the fire marshal, the taking of guests or visitors into the publicly accessible areas of the United States Capitol complex by a Member of Congress (or any employee of a Member of Congress authorized by that Member) should be temporarily suspended or otherwise subject to restriction for safety or security reasons to the same extent as guided tours of the United States Capitol complex which are led by the Architect of the Capitol or the Capitol Guide Service; and

(4) nothing in this resolution shall be interpreted to contradict the Congressional staff-led tour policy that ensures that tours of the Capitol are conducted by staff members who have undergone mandatory life safety and historical accuracy training.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5699. Mr. SESSIONS submitted an amendment which was ordered to lie on the table.

SA 5700. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 7005, to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008; which was ordered to lie on the table.

SA 5701. Mr. ENSIGN (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 7005, supra; which was ordered to lie on the table.

SA 5702. Mr. ENSIGN (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 7321, to authorize financial assistance to eligible automobile manufacturers, and for other purposes; which was ordered to lie on the table.

SA 5703. Mr. CORKER submitted an amendment which was ordered to lie on the table.

SA 5704. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 7005, to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5699. Mr. SESSIONS submitted an amendment which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 22. REQUIREMENT FOR USE OF EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—Each employer, contractor, interested party, or other entity that hires any individual for employment in the United States and receives any type of Federal financial assistance under section 4 of this Act or under section 101(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), shall participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and

Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(b) CONFORMING AMENDMENT.—Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) CERTAIN RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE.—Each employer, contractor, interested party, or other entity that receives any type of Federal financial assistance under section 4 of the Auto Industry Financing and Restructuring Act or under section 101(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), shall elect to participate in the basic pilot program described in section 403(a).”

SA 5700. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 7005, to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008; which was ordered to lie on the table; as follows:

Strike section 18.

SA 5701. Mr. ENSIGN (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 7005, to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SECTION 1. BANKRUPTCY FILING REQUIRED.

The Secretary of the Treasury, in accordance with sections 2, 3, and 4, shall provide financial assistance to any eligible automobile manufacturer that has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 12-month period following the date of enactment of this Act.

SEC. 2. DEBTOR IN POSSESSION FINANCING PROVIDED.

(a) AUTHORITY.—The Secretary of the Treasury shall provide debtor-in-possession financing, on a direct or guaranteed basis, to any eligible automobile manufacturer that has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 12-month period following the date of enactment of this Act, in accordance with subsection (b). Such financing shall be subject to such terms and conditions as the Secretary of the Treasury determines appropriate for purposes of this Act.

(b) FUNDING.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—Such sums are appropriated to the Secretary of the Treasury as are necessary for the purpose of providing not more than \$25,000,000,000 in financial assistance under this Act. The Secretary of Energy shall make available to the Secretary of the Treasury \$7,510,000,000 of funds made available under section 129 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, relating to funding for the manufacture of advanced technology vehicles, which shall reduce the appropriation under this paragraph.

(B) CONTINUING APPLICATION PROCESS.—No provision of this section shall be construed as prohibiting or limiting the Secretary of Energy from processing applications for